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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,715	04/13/2006	Daisuke Hayashi	2006_0554A	3253
52349 7590 07/12/2010 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER HARVEY, DAVID E				
ART UNIT 2621		PAPER NUMBER		
NOTIFICATION DATE 07/12/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com
coa@wenderoth.com

Office Action Summary

Application No.

10/575,715

Applicant(s)

HAYASHI ET AL.

Examiner

DAVID E. HARVEY

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 February 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-60 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/GA-6)
Paper No(s)/Mail Date 2/12/2009, 9/16/2008, 4/13/2006
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A) In claim 31, lines 3 and 4, the "added to the main information" recitation is confusing and indefinite because:

- 1) The recitation does not have clear antecedent basis given that a step of "adding" has not been previously recited; and
- 2) It is unclear as to its meaning of "added"; e.g., does it mean/require that the additional information actually be added such that it is received with, i.e., is included as part of, the received main information?

Clarification is needed. Similar clarification is needed in lines 6 and 7 of claim 1.

4. The following prior art is noted:

A) WO 98/47084 to Qian:

Qian has been cited because it illustrates a system (Figure 3) for annotating video image frames with, among other things, "voice annotations" [note the abstract on the cover page].

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,600,775 to King et al in view of US Patent #6,230,172 to Purnaveja et al.

I. The showing of King et al:

King et al been cited because it illustrates a "recording system" (e.g., @ Figure 1) which:

- A) Implicitly **receives** "main" full motion video information (i.e. it must be received before it can be processed);
- B) Implicitly **receives** additional voice-based annotation information to be added to the full motion video information (i.e., it must be inputted/received before it can be processed); and
- C) Implicitly **records** the additional voice-based annotation information in a manner that relates respective ones of the voice based annotations to a specific frame/position of the full motion video information (i.e., the "indexed" multimedia information is "stored" as files) [e.g., Note lines 30-50 of column 6].

[e.g., SEE: lines 8-42 of column 6] [NOTE: lines 19-22 of column 1; lines 1-29 of column 2; lines 40-49 of column 5; and claims 3/1 and 9/1 of column 17]

Claim 31 differs from the showing of King et al only in that King et al does not describe the "main" information as including an audio component; i.e., it is described as being full motion video information.

II. The showing of Purnaveja et al:

Purnaveja et al has been cited for its showing of an audio and video (A/V) information recording system which included circuitry for annotating frame(s) of a "main" A/V information stream with additional annotation information. More specifically, as described and illustrated via Figures 3 and 4A, Purnaveja et al described recording system that included:

- A) Circuitry [e.g., @ 317] **for receiving and capturing the main A/V information**; [e.g., Note: lines 64-67 of column 5; and lines 1-30 of column 6]
- B) Circuitry [e.g., @ 318] **for receiving additional annotation information to be "added to" (e.g., associated with) the main A/V information**; [e.g., Note: lines 20-26 and 59-66 of column 2; lines 31-67 of column 6; and lines 1-59 of column 7]; and
- C) Circuitry [e.g., @ 220] **for recording the main A/V information and the "added" additional annotation information so that the added information is related to specific time/frame positions of the A/V**

information. [e.g., Note: lines 59-66 of column 2; and lines 15-23 and 40-51 of column 7].

For the record, it is noted that claim 31 differs from the showing of Purnaveja et al only in that Purnaveja et al does not describe the additional annotation information as being inclusive of "audio/voice" type annotations (e.g., of the type described in King et al).

III. Obviousness:

The following positions are taken:

A) The examiner maintains that it would have been obvious to one of ordinary skill in the art to have modified the system disclosed by King et al to have added a "main" audio information component to the "main" video information components given that Purnaveja et al evidenced such to have been known and desirable in such a media annotating environment [Note that the moving picture information in King et al is described as being a "movie" (line 8 of column 6) and that such movies conventionally includes an associated audio component representing the soundtrack];

B) While the examiner maintains that the recited "steps" of claim 31 are implicitly performed by the system disclosed by King et al, for completeness, it is noted that Purnaveja et al likewise evidenced such steps to have been conventionally performed by corresponding structure in conventional media annotating environment; i.e., such being at least obvious with respect to the King et al showing.

7. Claims 32-35, 37-53 and 55-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,600,775 to King et al in view of US Patent #6,230,172 to Purnaveja et al. for the same reasons that were set forth above for claim 31. Additionally:

A) With respect to claim 32:

e.g., Note: lines 30-50 in column 6 of King et al; and lines 62-66 in column 2 of Purnaveja et al.

B) With respect to claim 33:

e.g., Note: Figure 3; and lines 30-50 in column 6 of King et al.

C) With respect to claim 34:

e.g., Note: Figure 3; and lines 30-50 in column 6 of King et al. (the examiner maintains that the recited "clip" terminology is undefined by the claim and broadly reads on the "main" stream of the prior art)

D) With respect to claim 35:

In the modified system of King et al., any selected frame can be annotated (including the first). Thus, the recitation of the "first" frame is considered little more than a recitation of intended use (i.e., it lacks criticality).

E) With respect to claim 37:

The examiner takes Official Notice that it was notoriously well known in the art for storage devices (i.e., disk drives) to have comprised a plurality of storage mediums. The examiner maintains that it would have been obvious to one of ordinary skill in the art for the required storage device in the modified system of King et al. to have comprised such a conventional configuration. The recited "dividing" broadly reads on the storing of respective "files" in successive recording and annotating procedures.

F) With respect to claim 38:

The recording processes in the modified system of King et al. must necessarily be terminated, i.e., "together", at some point in time for the respective files to be generated as described (e.g., additionally the modified system would be inoperative if a single recording procedure went on forever).

G) With respect to claim 39:

The examiner maintains that the "soundtrack" of the "movie" in the modified system of King et al. is necessarily of a high multi-channel (e.g., stereo) quality. Clearly the annotation audio is not of such quality and, as such, would be of a different/lower sampling rate.

H) With respect to claim 40:

The examiner maintains that the "soundtrack" of the "movie" in the modified system of King et al. is necessarily of a high multi-channel (e.g., stereo) quality. Clearly the annotation audio is not of such quality and, as such, would be of a different/lower sampling rate and, as such, would be recorded in a different file format.

I) With respect to claim 41:

The additional information in the modified system of King et al. is stored in its own a designated (i.e., "reserved") location of the storage device.

J) With respect to claim 42:

Claim 42 is written in the alternative. The modified system King et al. record the additional audio when the video is paused (again, note lines 8-14 of King et al.).

K) With respect to claims 43, 44, 47, and 48:

A) Claim 42 it written in the alternative. The modified system King et al record the additional audio when the video is paused (again, note lines 8-14 of King et al).

B) The additional audio in the modified system of King et al, start to finish, is recorded in association with the paused frame position.

L) With respect to claims 45, 46, and 49:

A) Claim 42 it written in the alternative. The modified system King et al record the additional audio when the video is paused (again, note lines 8-14 of King et al).

B) As described in King et al, the additional audio is entered and stored while the reproduction of the main information is paused (non-operative). As such, the additional audio is inherently received and stored before the main information, i.e., in its entirety, is stored.

M) With respect to claim 50:

Since the main and annotation files of the modified system of King et al are linked files, it makes no sense to delete on with out deleting the other.

N) With respect to claim 51:

The display of the modified system of King et al clearly indicates/conveys to the operator that the main information is in the paused state when annotations are to be entered (e.g., the image stops moving).

O) With respect to claim 52:

The additional audio annotation is a continuous stream that it displayed with respect to one paused video frame and, at least in this sense, it "out of sync".

P) With respect to claim 53:

The modified system of King et al enables different users to annotate the movie with respective user identifiable comments (e.g., note lines 37-59 of King et al).

Q) With respect to claim 55:

SEE: Figure 3 of King et al (note lines 31-63 of column 6); and the display @ "13" in Figure 1 of King et al. Additionally, note Figure 6 of Pumaveja et al.

R) With respect to claims 56-59:

See Figures 3 of King et al (note lines 31-63 of column 6).

S) With respect to claim 60:

See Figures 3 of King et al.

8. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,600,775 to King et al in view of US Patent #6,230,172 to Purnaveja et al, for the same reasons that were set forth above for claim 31, in further view of US Patent Document #2004/0216173 to Horoszkowski et al.

It would have been obvious to have modified the system disclosed by King et al in accordance with the teaching of Purnaveja et al, for the reasons set forth above with respect to claim 31. Horoszkowski et al evidences that it was known/conventional/desirable to have stored the annotation files in such annotating system in an XML metadata file format [e.g., note paragraph 0065]. In view of the showing of Horoszkowski et al, it would have been obvious to one of ordinary skill in the art to have stored the annotation files in the modified system of King et al in the conventional XML file format.

9. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,600,775 to King et al in view of US Patent #6,230,172 to Purnaveja et al, for the same reasons that were set forth above for claim 55. Additionally:

The modified system of King et al is controlled by a "controller"/CPU [i.e., see element "10" in Figure 1 of King et al].

10. Claims 2-5, and 7-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,600,775 to King et al in view of US Patent #6,230,172 to Purnaveja et al, for the same reasons that were set forth above for claim 1. Additionally:

A) With respect to claim 2:

e.g., Note: lines 30-50 in column 6 of King et al; and lines 62-66 in column 2 of Purnaveja et al.

B) With respect to claim 3:

e.g., Note: Figure 3; and lines 30-50 in column 6 of King et al.

C) With respect to claim 4:

e.g., Note: Figure 3; and lines 30-50 in column 6 of King et al. (the examiner maintains that the recited "clip" terminology is undefined by the claim and broadly reads on the "main" stream of the prior art)

D) With respect to claim 5:

In the modified system of King et al., any selected frame can be annotated (including the first). Thus, the recitation of the "first" frame is considered little more than a recitation of intended use (i.e., it lacks criticality).

E) With respect to claim 7:

The examiner takes Official Notice that it was notoriously well known in the art for storage devices (i.e., disk drives) to have comprised a plurality of storage mediums. The examiner maintains that it would have been obvious to one of ordinary skill in the art for the required storage device in the modified system of King et al. to have comprised such a conventional configuration. The recited "dividing" broadly reads on the storing of respective "files" in successive recording and annotating procedures.

F) With respect to claim 8:

The recording processes in the modified system of King et al. must necessarily be terminated, i.e., "together", at some point in time for the respective files to be generated as described (e.g., additionally the modified system would be inoperative if a single recording procedure went on forever).

G) With respect to claim 9:

The examiner maintains that the "soundtrack" of the "movie" in the modified system of King et al. is necessarily of a high multi-channel (e.g., stereo) quality. Clearly the annotation audio is not of such quality and, as such, would be of a different/lower sampling rate.

H) With respect to claim 10:

The examiner maintains that the "soundtrack" of the "movie" in the modified system of King et al. is necessarily of a high multi-channel (e.g., stereo) quality. Clearly the annotation audio is not of such quality and, as such, would be recorded in a different file format.

I) With respect to claim 11:

The additional information in the modified system of King et al. is stored in its own a designated (i.e., "reserved") location of the storage device.

J) With respect to claim 12:

Claim 12 is written in the alternative. The modified system King et al. record the additional audio when the video is paused (again, note lines 8-14 of King et al.).

K) With respect to claims 13, 14, 17, and 18:

A) Claim 12 is written in the alternative. The modified system King et al record the additional audio when the video is paused (again, note lines 8-14 of King et al).

B) The additional audio in the modified system of King et al, start to finish, is recorded in association with the paused frame position.

L) With respect to claims 15, 16, and 19:

A) Claim 12 is written in the alternative. The modified system King et al record the additional audio when the video is paused (again, note lines 8-14 of King et al).

B) As described in King et al, the additional audio is entered and stored while the reproduction of the main information is paused (non-operative). As such, the additional audio is inherently received and stored before the main information, i.e., in its entirety, is stored.

M) With respect to claim 20:

Since the main and annotation files of the modified system of King et al are linked files, it makes no sense to delete one without deleting the other.

N) With respect to claims 21-25:

SEE: The display @ "13" in Figure 1 of King et al. (note lines 31-63 of column 6)

O) With respect to claim 26:

The display of the modified system of King et al clearly indicates/conveys to the operator that the main information is in the paused state when annotations are to be entered (e.g., the image stops moving).

P) With respect to claims 27 and 28:

The additional audio annotation is a continuous stream that is displayed with respect to one paused video frame and, at least in this sense, it "out of sync".

Q) With respect to claim 29:

The modified system of King et al enables different users to annotate the movie with respective user identifiable comments (e.g., note lines 37-59 of King et al).

11. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,600,775 to King et al in view of US Patent #6,230,172 to Purnaveja et al. for the same reasons that were set forth above for claim 1, in further view of US Patent Document #2004/0216173 to Horoszkowski et al.

It would have been obvious to have modified the system disclosed by King et al in accordance with the teaching of Purnaveja et al. for the reasons set forth above with respect to claim 1. Horoszkowski et al evidences that it was known/conventional/desirable to have stored the annotation files in such annotating system in an XML metadata file format [e.g., note paragraph 0065]. In view of the showing of Horoszkowski et al., it would have been obvious to one of ordinary skill in the art to have stored the annotation files in the modified system of King et al in the conventional XML file format.

12. **Claims 6 and 36 avoid the art of record.**

13. **Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsh D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

DAVID E HARVEY
Primary Examiner
Art Unit 2621